IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 6749 OF 2004**

Satish Nanalal Dharia.....  ....  Petitioner.

Versus

M/s.Aishwarya Hotel Pvt.Ltd. & Ors..... Respondents.

Mr. Narayan Sahu i/by M/s.S.K.Srivastav & Co.,
for the Petitioner.

Mr. N. V. Gangal for Respondents.

**CORAM : S. A. BOBDE, J.**

**DATED : FEBRUARY 22, 2005.**

**P.C.:**

Rule.

2. Learned Counsel appearing for the respondents waives service of Rule.

3. By consent, rule made returnable and taken up for final disposal forthwith.

4. By consent, the impugned order dated 16th April, 2004 passed by the learned Civil Judge, Senior Division, Satara in Special Civil Suit No.55 of 2004

is set aside and the matter is remanded back to the trial Court with a direction to decide the question of jurisdiction under Section 9A of the Code of Civil Procedure before proceeding further in the matter.

5. Both the parties shall maintain status quo pending decision under Section 9A of the Code of Civil Procedure.

6. Rule made absolute in the above terms. Writ petition is disposed of accordingly.

7. There shall be no order as to costs.

Sd/-

**S. A. BOBDE, J.**